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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/089,187	09/12/2002	Christian Von Falkenhausen	3868-0114 P	5151

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EXAMINER

LORENZO, JERRY A

ART UNIT	PAPER NUMBER
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1734

DATE MAILED: 12/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/089,187

Applicant(s)

FALKENHAUSEN ET AL.

Examiner

Jerry A. Lorengo

Art Unit

1734

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 September 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☒ Claim(s) 10-20 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 03/27/2002
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

(1)

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 4,475,969 to Reed in view of U.S. Patent No. 4,648,930 to La Mers.

Regarding applicant claim 1, Reed discloses a method for dispensing pressure-sensitive adhesive laminates (PSAL) 18c from a movable primary carrier band 16c onto a secondary carrier band 16d via the deflection of the primary carrier band 16c about a dispenser edge 32c, which causes the detachment, and dispensing of the PSAL 18c onto the secondary carrier band 16c (Figure 6; column 4, lines 40-53). The method of Reed is illustrated below:

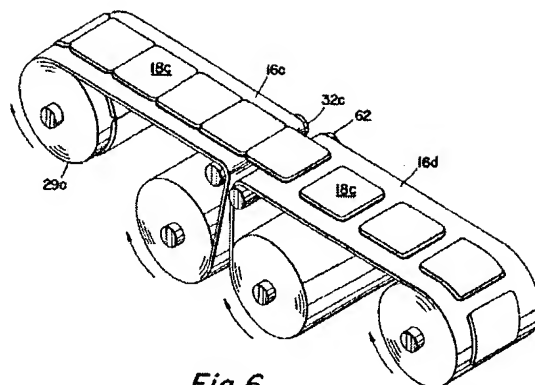


Fig. 6

Although Reed discloses the use of a dispenser edge 32c, he does not specifically disclose, as per applicant claim 1, that the primary carrier band 16c is provided with a longitudinal separation line which, by the action of a dispenser edge having two separate section, is subdivided into at least two strips thereby detaching and dispensing the PSALs from the primary carrier band to the secondary carrier band.

La Mers, however, also drawn to methods for the detachment and dispensing of PSALs from a carrier band 12, disclose the use of a carrier band 12 having a longitudinal separation line 16 which, by the action of a dispenser edge 24 having two separate sections 26,28, is separated into at least two strips 18,20 thereby detaching and dispensing PSALs 14 from the carrier band 12 (Figure 1; column 2, line 31 to column 3, line 7). The method of La Mers is illustrated below:

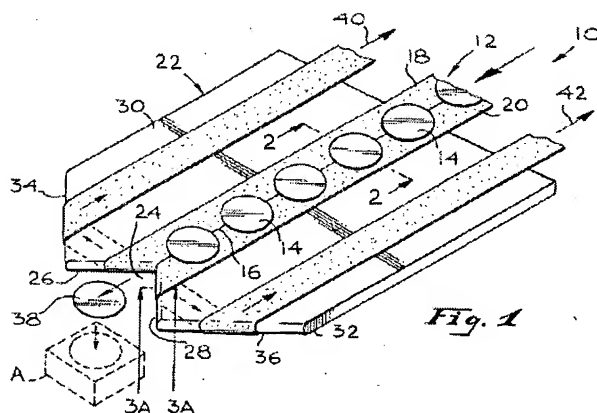


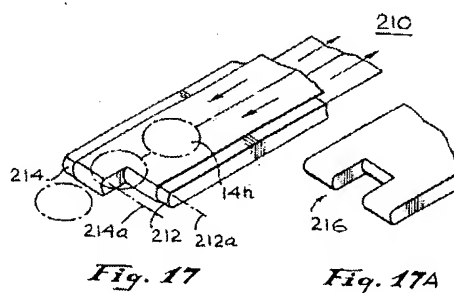
Fig. 1

It would have been obvious to one of ordinary skill in the art at the time of invention, as per applicant claim 1, to substitute the primary carrier band and dispenser edge of Reed with the split carrier band and dispenser edge of La Mers motivated by the fact that such a method enables the use of low-cost label strip; enables the typical step of matrix or ladder removal unnecessary; it can be utilized to process thinner labels than are typically used; and by reducing the tension required to pull the carrier strip around the peeling edge, the method reduces the possibility of tearing the carrier strip (column 7, line 64 to column 8, line 24; column 8, line 63 to column 9, line 9; column 10, lines 6-20).

Regarding applicant claims 2, 3 and 7, La Mers disclose that the two sections 26,28 of the dispenser edge 24 are arranged in a nonlinear manner and can span an angle of 90° for the simultaneous peeling of the carrier band strips 18,20 from the PSALs 14 (column 7, lines 30-32).

Regarding applicant claim 4, La Mers discloses that the dispenser edge may have two sections 212,214 arranged at a distance from each other in the direction of travel of the band (Figure 17; column 45-54).

Regarding applicant claims 5 and 6, La Mers discloses that the primary band may be separated into at least three strips wherein the inner or center strip is separated first at a first section of the dispenser edge followed by the separation of the outer two strips at a second section of the dispenser edge (Figure 17A; column 54-57). These embodiments are illustrated below:



Regarding applicant claim 8, Reed discloses that the primary carrier band 16c is directed at a transport speed which is less than the transport speed of the secondary carrier band 16d (column 4, lines 48-50).

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Regarding applicant claim 9, Reed et al. disclose that the carrier strip can be conveyed intermittently (column 5, lines 46-48).

(2)

Allowable Subject Matter

Claims 10-20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

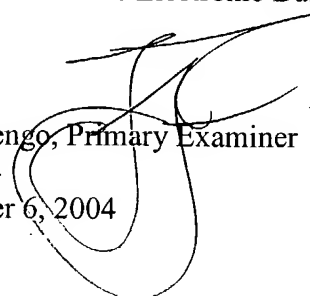
Methods for the detachment and dispensing of PSALs from a carrier band around a peel bar wherein the peel bar is advanced and retracted during PSAL dispensing, such as taught by U.S. Patent Nos. 6,758,254 to Moore et al.; 5,938,890 to Schlinkmann et al.; 5,849,143 to Ingalls; and 5,304,264 to Wehrmann, are known in the art. None of the prior art of record, however, specifically teaches or suggests the method as set forth in applicant claim 10, wherein such peel bar advancement and retraction occurs during the detachment and dispensing of PSALs from a primary carrier band onto a secondary carrier band.

(3)

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jerry A. Lorengo whose telephone number is (571) 272-1233. The examiner can normally be reached on Monday through Friday, 8:30 A.M. to 5:00 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Fiorilla can be reached on (571) 272-1187. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


J.A. Lorengo, Primary Examiner
AU 1734
December 6, 2004